

Decision 02-06-059 June 27, 2002

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of American Canyon for approval to construct a public at grade crossing of the California Northern Railroad track, located in Napa County, State of California.

Application 01-09-021
(Filed September 13, 2001)

O P I N I O N**Summary**

The City of American Canyon (City) requests approval to replace an existing, unprotected private at-grade crossing, at what is now referred to as Frisby Lane, by constructing a protected, public at-grade crossing at the same location across the single track and right-of-way of the Union Pacific Railroad Company (UPRR) in American Canyon, Napa County. The single track at the project location is currently leased to the Californian Northern Railroad Company. The new, public crossing will be referred to as Donaldson Way, Public Utilities Commission (PUC) Crossing No. 108AAB-62.72. This location will be between public crossings, PUC Crossing Nos. 108AA-61.60-A and 108AAB-63.10. A map of the project vicinity is set forth in Appendix A.

Discussion

The proposed at-grade crossing will provide greater access to residential and commercial development proposed by the Southeast Area Specific Plan (adopted by the City's Ordinance No. 97-09), and is intended to relieve traffic

congestion at the heavily traveled American Canyon Road public crossing to the south. The UPRR's track, which lies along the entire westerly edge of the project area, presents a physical and planning constraint to vehicular access to and through the Specific Plan Area. In the Final Environmental Impact Report (EIR) prepared for the Southeast Area Specific Plan, the proposed at-grade crossing is required as mitigation measure TC-8. The Southeast Area Specific Plan proposes to develop 1,568 residential dwelling units consisting of 1,428 single-family detached units and 140 multi-family units, 120,000 square feet of commercial space, three 5-acre public parks, and an elementary school.

In addition to the proposed crossing being approved by the Southeast Area Specific Plan Draft and Final EIRs, this crossing is also approved by the City of American Canyon General Plan (General Plan) and its EIR. The City's General Plan and its EIR anticipated the development proposed by the Southeast Area Specific Plan, and determined that a new, public at-grade crossing at Donaldson Way is an appropriate and necessary component of the Circulation Element of the City's General Plan. The street network and critical intersections in this area were evaluated by the City's General Plan, which calls for certain roadway improvements to be in place by the year 2010, including the extension of Donaldson Way from State Route (SR) 29 to Flosden Road. The City's General Plan notes that these improvements are planned to improve the traffic flow due to development on the east side of the UPRR's track, and to facilitate police and fire protection access.

Based on a traffic circulation analysis prepared for the City, it is estimated that the proposed crossing will have an average daily traffic volume of 4500 vehicles. There will be six freight trains per day through the crossing, currently traveling at a speed no greater than 20 miles per hour. The proposed crossing

will consist of an asphalt road surface 24 feet wide with one lane in each direction that will connect to SR 29 at the west end and eventually Flosden Road at the east end. For public safety, the crossing will have an active warning system that will consist of two Standard No. 9 automatic flashing light signals with gates compliant with General Order (GO) 75-C on either side of the railroad track for traffic in each direction. In addition to the warning devices, there will be standard roadway markings and signage for railroad-highway grade crossings. Concrete panels (compliant with GO 72-B) for the surface of the crossing are recommended.

The City states in its application that a grade separation at the proposed crossing is not practical because of the proximity of the railroad tracks to SR 29. It further states that a separated grade crossing at this location is economically infeasible. Several small businesses and residences would have to be relocated if a grade separation is built at the proposed crossing.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code 21000 et seq. On June 30, 1997, the City filed its Notice of Determination with the State Clearinghouse approving the Southeast Area Specific Plan Project (of which the proposed crossing is a part), and in so doing stated “ the project will have a significant effect on the environment,” which led to the adoption of mitigation measures as part of the overall project’s approval. On November 3, 1994, the City adopted its General Plan and its EIR, which address the potential impacts of urbanization within the City’s planning area. On May 9, 1997, the City adopted the Southeast Area Specific Plan Final EIR to assess the potential impacts of the proposed Southeast Area Specific Plan, which is governed by and in agreement with the City’s General Plan and its EIR.

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's EIR or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities, which must be conducted by a responsible agency, are contained in CEQA Guideline Section 15096.

The Commission has reviewed the City's environmental documentation, which includes the City's General Plan and its EIR, and the Southeast Area Specific Plan Draft and Final EIRs. Safety and security, and transportation and noise are within the scope of the Commission's permitting process. The environmental documentation did not identify any potential impacts related to the safety and security of the project area.

There is a potential noise impact from train locomotives and motor vehicles as a result of the proposed crossing. In an effort to mitigate potential railroad noise impacts, the American Canyon Incorporation Project Final EIR recommends that residential zoning should be prohibited within 200 feet of the Southern Pacific Railroad Company's (now UPRR) tracks, and within 400 feet of any railroad crossing. The City's General Plan supports this recommendation in Policy 11.10.1, and further encourages in Policy 11.2.7 the use of fences, walls, landscaping, and/or other noise buffers and barriers to mitigate noise impacts where appropriate and feasible for residential developments and other "noise-sensitive" areas.

Another potential impact as a result of the proposed crossing is traffic congestion at the intersection of SR 29 and Donaldson Way. The Southeast Area Specific Plan Draft EIR recommends that this impact be mitigated primarily by

signalizing this intersection (likely accompanied by preemption). Other mitigating measures provided by the Southeast Area Specific Plan Draft EIR to improve the proposed crossing's and overall project's traffic congestion involve buses, ridesharing programs, bicycle paths, pedestrian sidewalks, and the construction of lane improvements and improved intersection geometries of several major streets. Furthermore, to improve the traffic flow or level of service (LOS) at the SR 29/Donaldson Way intersection, dual southbound left-turn lanes from SR 29 to Donaldson Way are planned for construction. As mentioned, the proposed crossing is required by the Southeast Area Specific Plan Final EIR as mitigation measure TC-8, and without the proposed crossing, traffic is expected to be extremely heavy at the intersection of SR 29 and American Canyon Road. This intersection is immediately adjacent to the nearest public crossing (American Canyon Road) that is south of the proposed crossing.

With respect to the potential noise and transportation (traffic) impacts identified above, the Commission finds that the City adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. We adopt the mitigation measures as described in the referenced environmental documents for purposes of our approval.

The Commission's Rail Safety and Carriers Division (RSCD), Rail Crossings Engineering Section staff inspected the site of the proposed project. After reviewing the need for and safety of the proposed crossing, the staff recommends that the requested authority sought by the City be granted for a period of two years.

Application 01-09-021 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 38, which relates to the construction of a public highway across a railroad.

In Resolution ALJ 176-3072 dated October 2, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's RSCD recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3072.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comments is being waived.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on September 21, 2001. No protests have been filed.
2. The City requests authority, under Public Utilities Code Sections 1201-1205, to replace an existing, unprotected private at-grade crossing, at what is now referred to as Frisby Lane, by constructing a protected, public at-grade crossing at the same location across the single track and right- of-way of the UPRR in American Canyon, Napa County. The single track at the project location is currently leased to the California Northern Railroad Company. The new, public crossing will be referred to as Donaldson Way, PUC Crossing No. 108AAB-62.72.
3. Public convenience, safety and necessity require the construction of the proposed, public at-grade crossing in the City of American Canyon.
4. City is the lead agency for this project under CEQA, as amended.
5. The Commission is a responsible agency for this project, and has reviewed and considered the City's environmental documentation specified in this

decision upon which the City relied in adopting mitigation measures for the project.

6. On June 30, 1997, the City filed its Notice of Determination approving the Southeast Area Specific Plan Project, of which the proposed crossing is a part.

7. Safety and security, and transportation and noise are within the scope of the Commission's permitting process.

8. The City's environmental documents did not identify any potential environmental impacts from the project related to safety or security.

9. The Commission finds that for each potentially significant impact related to transportation or noise, the City adopted feasible mitigation measures to either eliminate or substantially lessen those impacts. We adopt the mitigation measures required by the City's environmental documents for purposes of our approval.

Conclusions of Law

1. The application is uncontested and a public hearing is not necessary.
2. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The City of American Canyon (City) is authorized to replace the existing, unprotected private at-grade crossing, at what is now referred to as Frisby Lane, and construct a new, protected, public at-grade crossing at the same location across the single track (leased to the California Northern Railroad Company) and right- of-way of the Union Pacific Railroad Company (UPRR). The new, public crossing will be identified as Donaldson Way, Public Utilities Commission Crossing No. 108AAB-62.72.

2. Public safety requires that the new, public crossing at Donaldson Way be protected with an active warning system that will consist of two Standard No. 9 automatic flashing light signals with gates compliant with General Order (GO) 75-C on either side of the railroad track for traffic in each direction. In conjunction with the warning devices, there shall be standard roadway markings and signage for railroad-highway grade crossings.

3. Clearances shall be in accordance with GO 26-D.

4. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

5. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the parties. A copy of the agreement shall be filed by the City with the Commission's Rail Safety and Carriers Division (RSCD) prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Prior to construction, the City shall file with RSCD final construction plans approved by UPRR.

7. The City will inform the Rail Crossings Engineering Section of RSCD in writing within 30 days of the date of completion of this project.

8. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. This application is granted as set forth above.

10. Application 01-09-021 is closed.

This order becomes effective 30 days from today.

Dated June 27, 2002, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
CARL. W. WOOD
GEOFFREY F. BROWN
MICHAEL R. PEEVEY
Commissioners

APPENDIX A
MAP

